

Regular Meeting  
May 8, 2003

A Regular Meeting of the Marilla Town Board was held May 8, 2003 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John R. Foss, Supervisor  
Earl Gingerich, Jr., Councilman  
Barbara Spanitz, Councilman  
Fred Specht, Councilman  
George Gertz, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given.

### **Communications**

The Vice President of Tri-Town United Soccer wanted to thank the Town and highly commend everyone involved for creating two beautiful soccer fields at the Eastwood Road Town site.

Erie County Legislature, Gregory Falkner is asking the Town to request reducing the speed limit on Bullis Road from the Elma Town line to the portion that is currently 55 mph in the Town of Marilla.

### **Committee Reports**

Highway Superintendent Dave Pierce reported that the County will be paving Four Rod Road and Cayuga Creek Road this summer.

Councilman Gingerich reported that the Memorial Day parade will begin at 11:00 am and if any group wishes to participate to contact him. He also reported that the plans are moving along well for the Sesqui- Centennial Celebration, which will take place the week of July 25, 2004. There will be events at the Town Park and the Memorial Pavilion as well as the Firemen's Grounds in Town for that entire week. They will begin promoting this event by selling T-shirts, sweatshirts, shirts and caps at the Firemen's Carnival on June 13 and 14<sup>th</sup> this year.

Councilman Spanitz stated that the Marilla Memorial Committee have planned a Ground Breaking Ceremony for June 8<sup>th</sup>, they have a very festive day planned; music by the Marilla Marching Band, Iroquois School will provide entertainment, an ice cream social and other possible activities. As of today 203 Veteran Bricks have been sold and 133 Non- Veteran's. She also stated that the Tri-Town Summer program is underway, there will be 3 two- week sessions beginning on June 30<sup>th</sup> and ending on August 8<sup>th</sup>, applications are available at the Town Hall. She wanted to promote donations to the Iroquois Post Prom Drug and Alcohol Free Party.

Councilman Specht reported that he had attended a Conference at Houghton College today. He also stated that we are looking at going on line with the T-1 line and using the County's Server. He explained there are some positives and negatives about this that we will have to consider.

Councilman Gertz reported that he had attended a meeting with Erie County Disaster Coordinator and they are requesting the Town to pass a resolution concerning All Hazard Mitigation. This will affect our future with FEMA requests. The County is moving ahead rapidly due to Terrorist threats, bio-chemical threats and other natural disasters.

Supervisor Foss reported that we are now advertising for bids on the demolition of the old Agway building. We will open the bids on May 23 at about 3:00 and want the project to be completed by July 4<sup>th</sup>. We would like the Pavilion construction to begin in July and the sidewalk in August. He also reported that there will be a meeting on Monday, May 12<sup>th</sup> at 7:00 pm for residents in the proposed Water District 5 area.

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**Open Board Presentation From the Public**

None

**Old Business**

Motion: Councilman Gingerich moved, seconded by Councilman Specht to approve the Minutes from the Regular Board Meeting held on 4/10/2003 and the Special Meeting held on 4/15/2003. Motion Carried.

**New Business**

Motion: Councilman Gingerich moved, seconded by Councilman Spanitz to approve the following resolution Adopting determination of non-significance of Local Law.

WHEREAS, the Town Board of the Town of Marilla has received an application from PCS for a special use permit to collocate an antenna at a centerline height of 179 feet on an existing 195 foot lattice cellular communications tower in the Town of Marilla; and

WHEREAS, the Town Board of the Town of Marilla is duly qualified to act as lead agency with respect to compliance with SEQRA which requires environmental review of certain actions undertaken by local governments; and

WHEREAS, Erie County Department of Environment and Planning has been notified as required under the General Municipal Law with no recommendation received; and.

WHEREAS, an Agricultural Data Statement has been submitted and the proper parties notified; and

WHEREAS, the proposed action appears to be an Unlisted Action pursuant to the Rules and Regulations of the State Environmental Quality Review Act

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Marilla, after considering the action proposed herein, in reviewing the Environmental Assessment Form, reviewing the criteria contained in Section 617.11 of the Rules and Regulations under SEQRA and thoroughly analyzing the project with respect to potential environmental concerns, determines that the action will not have a significant effect on the environment; and be it further

RESOLVED, that the Town Board of the Town of Marilla hereby finds that the proposed responses inserted in Part II of the said Environmental Assessment Form are satisfactory and approved; and be it further

RESOLVED, that the Town Supervisor is hereby authorized and directed to complete and execute the Part III of the said Environmental Assessment Form and to check the box thereon indicating that the proposed action will not result in any significant adverse impacts; and be it further

RESOLVED, that the annexed Negative Declaration is hereby approved and the Town Clerk is hereby authorized and directed to file the same in accordance with the provisions of the General Regulations of the Department of Environmental Conservation.

Roll Call Vote:

Councilman Spanitz – aye

Councilman Gingerich - aye

Councilman Gertz – aye

Councilman Specht – aye

Supervisor Foss - aye

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to approve the Special Use Permit for PCS to collocate on a cell tower located on Jamison Road and owned by Leonard Janiga. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to authorize the Supervisor to sign a contract with Good Riddance, located at 2663

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Seneca Street, West Seneca to spray the Town Park 3 times for the 2003 season for protection against wasps, hornets and spiders at a cost of \$600. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to approve the following resolution accepting All-Hazard Mitigation Plan:

WHEREAS, funds have been received from the New York State Emergency Management Office through the Federal Government to write an All Hazard Mitigation Plan for each of the 44 communities of Erie County, and

WHEREAS, these funds received by Erie County will be used to assist in preparing a County-Wide All Hazard Mitigation Plan, and

WHEREAS, this plan must be completed by November 2004 by all 44 municipalities, in order to comply with the Federal Mandate, in order to be eligible for FEMA funding after a federal disaster declaration,

NOW THEREFORE BE IT:

RESOLVED, that the Town of Marilla Board, on behalf of the Department of Emergency Services, is hereby authorized to complete the All-Hazard Mitigation Plan, and be it further

RESOLVED, that the funds that Erie County has received will be utilized to complete the All-Hazard Mitigation Plan to meet the Federal Mandate of November 2004, and be it further

RESOLVED, that the Town of Marilla Board hereby authorizes the Erie County Department of Emergency Services to submit this draft plan on our behalf to meet the Federal Mandate of submission by November 1, 2004 and be it further

RESOLVED, that copies of this resolution be submitted to the Erie County Department of Emergency Services to be included in the draft All-Hazard Mitigation Plan that will be submitted to the New York State Emergency Management Office for approval.

Roll Call Vote:

Councilman Spanitz – aye

Councilman Gingerich - aye

Councilman Gertz – aye

Councilman Specht – aye

Supervisor Foss - aye

Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Spanitz to authorize the purchase of software and equipment for the Marilla Fire Company, Inc. at a cost of \$4,742. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to approve the following resolution;

WHEREAS, the Town of Marilla has enacted a local law prohibiting peddling and soliciting on public property within the right-of-way of any road, street or highway during prohibited periods, which law is codified as Chapter 149 of the Code of the Town of Marilla; and

WHEREAS, the Code provides that the Town Board annually establish by resolution specific dates and periods of times during which peddling and soliciting is prohibited for that particular year.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

Section 1. The Town Board does hereby determine that peddling and soliciting shall be prohibited within the right-of-way or any road, street or highway during the period beginning at 12:01 a.m. on June 13, 2003 and ending at midnight on June 14, 2003.

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Section 2. This resolution shall take effect immediately.

Roll Call Vote:

Councilman Spanitz – aye

Councilman Gingerich - aye

Councilman Gertz – aye

Councilman Specht – aye

Supervisor Foss - aye

Motion Carried.

- Motion: Councilman Gertz moved, seconded by Councilman Specht to authorize the Town Clerk to request from the Department of Transportation to reduce the speed limit on Bullis Road from the Elma Town line to the portion in Marilla that currently has a 55 mph speed limit on it. Motion Carried.
- Motion: Councilman Gingerich moved, seconded by Councilman Gertz to approve the extended shooting hours for Allied Sportsmen of Western New York, Inc. for May 16<sup>th</sup> from 12:30 pm to 9:00 pm. Motion Carried.
- Motion: Councilman Spanitz moved, seconded by Councilman Gertz to authorize the Town Clerk to advertise for bid, the sidewalk at the Marilla Memorial Pavilion area when specs are complete. Motion Carried.
- Motion: Councilman Specht moved, seconded by Councilman Gingerich to authorize Nussbaumer & Clarke, Inc. to hire a firm to test for asbestos at demolition site of the old Agway Building at a cost not to exceed \$2,050. Motion Carried.
- Motion: Councilman Gingerich moved, seconded by Councilman Gertz to authorize the Supervisor to prepay Memorial Day Celebration expenses. Motion Carried.
- Motion: Councilman Spanitz moved, seconded by Councilman Gertz to authorize Building Inspector, John Fronczek to attend an ICC Seminar. Motion Carried.
- Motion: Councilman Gingerich moved, seconded by Councilman Specht to appoint Don Roesch as Dog Warden and Dave Arnold as Assistant Dog Warden beginning June 1<sup>st</sup>. Motion Carried.
- Motion: Councilman Gertz moved, seconded by Councilman Spanitz to move into Executive Session after approval of claims. Motion Carried.
- Motion: Councilman Gingerich moved, seconded by Councilman Gertz to make a resolution approving parade participants to receive a free chicken dinner following the Memorial Day Ceremony. Motion Carried.

### **Report of Town Officials**

Engineer Mike Smith reported that they are working with Jennifer Sargent on costs for Water District 5 before the meeting with residents on Monday, May 12<sup>th</sup>.

Building Inspector John Fronczek submitted a written report with 17 building applications received with fees totaling \$2,232.00, 17 building permits issued with a total value of \$1,000,140, 10 inspections were made and 2 complaints were acted on. There were a total of 109 activities. 2 zoning applications were received with fees totaling \$250. There was one Special Use permit for co-location of a cell tower with a fee of \$1000. Inspections of Public Assembly Buildings and Multiple Occupancies for the year 2003 by Scott Rider.

Planning Board minutes have been received and posted and Planning Board Member Debbie Zimmerman reported that the next meeting will be held next Thursday.

CAB minutes have been received and posted.

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Marilla Fire Company representative Leonard Blizniak wanted to thank the Town Board for funding the equipment and he wanted to remind everyone that the Firemen’s Carnival will be June 13<sup>th</sup> and 14<sup>th</sup>.

Town Historian Hubert Kutter reported that a boy had contacted him looking for information for a school project. He also stated that the History Book is progressing nicely, Councilman Gertz has been scanning pictures for the book.

Councilman Gertz stated he had a couple of things that the Fire Chief, Ronald Bourgeois Jr. wanted clarified. Residents who wish to walk or run on the roadsides should wear reflective clothing, this could save their lives. He stated the second concern was for grass fires, on April 15<sup>th</sup> we had high winds of 45 mph and the Fire Company was called to 4 grass fires. There should have been no burning on that day. State law on open fires requires it must be constantly attended, you must have some sort of equipment at hand to extinguish the fire and you should notify the Fire Chief that you will be burning. Residents should use common sense on weather conditions when burning.

Councilman Specht added that the size of the burning pit should be no bigger than a 3’ by 3’ area.

Supervisor Foss stated that it was nice to hear that our Soccer Fields were one of the best in the area.

Diane Fronczek, Marilla Historical Society President read a letter thanking the Town Board for their generosity and support in helping to complete the renovations of the Community Center Annex. She wanted to give special thanks to; John Foss, Fred Specht for their constant attention to the progress, Leonard Blizniak fro his attention to detail during construction, Warren Cullen for his fine installation of the heating and cooling, Warren Handley for his generous donation of carpeting and pad for the annex office, John Fronczek, for drawing up the plans for the annex and to the following members who gave their time in putting it together; Jake Argauer, Mike Petrinec, Mary Nette Foss, Margaret Specht, Dave Sleeper and Mary Beth Serafin.

All claims have been previously reviewed by Councilman Spanitz and Councilman Gertz.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to approve the claims as follows:

General Fund Claims, Vouchers 150-195	\$	24,137.12
Highway Fund Claims, Vouchers 75-89	\$	7,670.52
Special Districts		
Sanitation (SR), Vouchers 50-61	\$	10,617.93
Special Lighting, Voucher	\$	.00
Special Fire, Vouchers 1-3	\$	197,126.73
Water District #2, Vouchers 13-15	\$	3,567.76
Water District #3, Voucher 5	\$	1,231.19
Water District #4, Voucher 5	\$	743.59
Community Develop. PACE voucher	\$	.00

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gingerich to move into executive session. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to move out of executive session. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gingerich to ajourn at 8:40 p.m. Motion Carried.

Respectfully submitted,

_____ Town Clerk	_____ Supervisor
_____ Councilman	_____ Councilman
_____ Councilman	_____ Councilman